

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RAFAEL SOLIS TAPIA.

Petitioner,

V.

A. NEIL CLARK,

Respondent.

CASE NO. C08-850-JLR-JPD

REPORT AND RECOMMENDATION

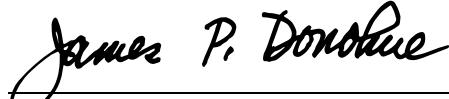
Petitioner Rafael Solis Tapia is a native and citizen of Mexico. On May 9, 2008, petitioner, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking his removal to Mexico. (Dkt. 6). On May 16, 2008, respondent submitted a Return Memorandum and Motion to Dismiss along with a Declaration, indicating that petitioner was removed to Mexico on June 7, 2008, and no longer remains in the United States. (Dkts.10 and 11). Respondent moves the Court to dismiss this case as moot because petitioner has been removed to Mexico and no longer remains in the custody of the U.S. Immigration and Customs Enforcement.

For a federal court to have jurisdiction, “an actual controversy must exist at all stages of the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002). “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer detained by ICE, the Court finds that petitioner’s habeas petition should be dismissed as moot. *See, e.g.*,

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1 *Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the District Court properly
2 dismissed plaintiff's claims that had become either moot or unripe). Accordingly, I recommend that
3 this action be dismissed. A proposed Order accompanies this Report and Recommendation.

4 DATED this 1st day of July, 2008.

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6 JAMES P. DONOHUE

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10 United States Magistrate Judge

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